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August 12, 2008

Mr. Alan Risenhoover, Director
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway, SSMC 3
Silver Spring, MD 20910

Re: Proposed Rule on Environmental Review Process for Fishery
Management Actions (Docket No. 070824479-8179-02)

Via Email: NEPA_Procedures@noaa.gov

Dear Mr. Risenhoover:

The Coastal Conservation Association (CCA) appreciates the opportunity to provide comments on the proposed rule from the National Marine Fisheries Service (NMFS) to revise and update procedures for complying with the National Environmental Policy Act (NEPA) in the context of fishery management actions developed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The CCA consists of more than 100,000 recreational saltwater anglers who actively participate in the 17 coastal state chapters located throughout the Gulf states, East Coast and Pacific Northwest.

Comment Period Timelines

The proposed rule integrating environmental analytical procedures, including the timeframes for public comment, with the procedures for the preparation and dissemination of fishery management plans is an enormous undertaking and the CCA lauds the efforts NMFS put forward in this process. Over the last two decades, the CCA has participated effectively in state and federal fisheries management decisions and policy as a result of the public processes provided under the MSA. The proposed rule appears to maintain the strict mandates of the MSA for an open, public process for the development of fishery management measures, while integrating and conforming to applicable NEPA environmental procedures into the MSA timelines.

We support the proposed rule requiring the necessary NEPA analyses to conform with the timelines under the MSA. It is important to apply a predictable and

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realistic time schedule for developing management plans for a living marine resource; however, any reductions in the time period for public comment must meet the strict considerations under the proposed rule. In addition, curtailing comment periods should be the exception not the rule. The proposed rule should seek to maintain the maximum time for comment and review. Providing for maximum comment periods will create a predictable and consistent public process that will allow the fishery management councils (FMCs) to develop well-crafted fishery management decisions and avoid unwanted litigation. If it is necessary to reduce the period of time for comment based on the "public interest" considerations under the rule, there must be an opportunity for the public to appeal or provide supplemental information in the abbreviated public process.

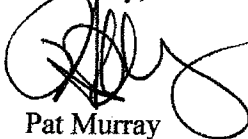
Public Process

Generally, CCA supports the approach of the proposed rule to integrate NEPA's public participation opportunities with the FMC's development of analyses and alternatives, and to allow the MSA decision-making process to proceed in a timely manner to address real-time fishery management needs. To do this, the proposed rule would establish new duties and opportunities intended to provide public input to the FMC as it develops its recommendations and that NMFS considers and responds to comments addressing its decision to approve, disapprove, or partially approve an FMC recommendation. Basically all comments or recommendations from the public would need to be presented at the FMC and, once a vote is taken based on these comments, any further discussion is cut off.

While CCA supports integrating the public processes of MSA and NEPA, it should not result in preventing further comments or new concepts that may develop after the FMC analysis is done and a recommendation is proposed to NMFS. CCA does not support the proposed regulation at § 700.305(d) that provide NMFS is not obligated to respond to comments relevant to the draft recommendations from the FMC that are raised for the first time during Secretarial review. We would recommend striking this section and providing a process for the appropriate review and consideration of comments that may be filed at a later time at the Secretarial level.

Thank you for the opportunity to comment on the proposed rule regarding the environmental review process for fishery management actions. CCA will continue to work with NMFS on the development and implementation of this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Murray", with a large, stylized flourish extending from the end of the signature.

Pat Murray